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GREENBERG TRAURIG LLP (LA)			SCHNURR, JOHN R	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/666,646	BASAWAPATNA ET AL.	
	Examiner	Art Unit	
	JOHN R. SCHNURR	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 May 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 30-54, 56 and 57 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 30-54 and 56-57 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 05/02/2008 has been entered.

DETAILED ACTION

2. Claims 30-54 and 56-57 are pending and have been examined.

Response to Arguments

3. Applicant's arguments with respect to claims 30-54 and 56-57 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 56 objected to because of the following informalities: The claim indicates dependence from cancelled claim 55. For the purposes of examination claim 56 was assumed to be dependent from claim 53. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 30-39, 41-44, 46, 49-54 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Utsumi et al. (US Patent 5,729,281)**, herein Utsumi, in view of **Rakib (U.S. Patent Application Publication 2002/0019984)**.

Consider **claim 30**, Utsumi clearly teaches a method comprising:

receiving, at a local service module, one or more multiplexed channel signals from a headend, the one or more multiplexed channel signals comprising a plurality of video channels; (**Fig. 2: Selective distribution station 10 receives a plurality of multiplexed video channels from center station 1, column 7 lines 26-29.**)

receiving a channel selection request for one of the plurality of video channels; (**column 7 line 62 to column 8 line 2**)

converting to a predetermined frequency, by one of a plurality of converters in the local service module, the one of the plurality of video channels corresponding to the channel selection request; (**Fig. 3: Modulating portion 13₁ converts the requested video channel to a predetermined frequency, column 8 lines 20-37.**)

combining the converted one of the plurality of video channels with at least one other video channel from the one or more multiplexed channel signals into a multiplexed signal for transmission via the cabling. (**Fig. 3: Outputs from the modulating portions 13_x are multiplexed and transmitted via transmission line 20, column 8 lines 37-41.**)

Utsumi further teaches bi-directional communication between the local service module and the headend (column 14 lines 3-9).

However, Utsumi does not explicitly teach communicating a customer request for interactive mode from a local service module to the headend via a customer management system; and communicating a channel request for non-local broadcast channels from a local service module to the headend via the customer management system.

In an analogous art, Rakib clearly teaches communicating a customer request for interactive mode from a local service module to the headend via a customer management system; and communicating a channel request for non-local broadcast channels from a local service module to the headend via the customer management system. (**Fig. 4: The gateway 10 receives requests from the user for video-on-demand content,**

internet content or game content and the gateway transmits this request to the headend 74, which provides the video-on-demand content , i.e. “non-local broadcast channels”, or internet/game content, i.e. interactive data, back to the user via the gateway, [0039], [0046] and [0047].)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Utsumi by including a management system to allow interactive data and video-on-demand, as taught by Rakib, for the benefit of enabling the user to access a greater variety of content.

Consider **claim 31**, Utsumi combined with Rakib, as in claim 30, clearly teaches converting, to a second predetermined frequency using another one of the plurality of converters, the at least one other video channel from the one or more multiplexed channel signals. **(Each modulating portion 13x modulates the signal to a different frequency for each subscriber, column 8 lines 37-46 Utsumi.)**

Consider **claim 32**, Utsumi combined with Rakib, as in claim 30, clearly teaches filtering, for reception by a video displaying apparatus, at least one of the video channels within the multiplexed signal. **(The subscriber receiving device 31, receives the multiplexed signal and filters out the frequency, f_1 , for which it is assigned, column 8 lines 41-43 Utsumi.)**

Consider **claim 33**, Utsumi combined with Rakib, as in claim 30, clearly teaches the channel selection request is received from a customer. **(column 7 line 62 to column 8 line 2 Utsumi)**

Consider **claim 34**, Utsumi combined with Rakib, as in claim 30, clearly teaches the channel selection request identifies the customer. **(After receiving the channel change request from a subscriber the selected channel is modulated with a frequency assigned to that subscriber, therefore the channel change request must contain information identifying the subscriber, column 8 lines 20-46 Utsumi.)**

Consider **claim 35**, Utsumi combined with Rakib, as in claim 30, clearly teaches demultiplexing the one or more multiplexed channel signals at the local service module. **(Fig. 3 Demultiplexing portion 11, column 7 lines 39-42 Utsumi)**

Consider **claim 36**, Utsumi is relied upon as discussed above.

However, Utsumi does not explicitly teach at least one of the one or more multiplexed channel signals is received from a personal video recorder.

In an analogous art, Rakib teaches a headend comprising a block of personal video recorders. (**Fig. 6, Hard Disk Array 289, see paragraphs 96-97**)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the headend of Utsumi to incorporate a block of personal video recorders, as taught by Rakib, for the benefit of reduced consumer costs in the provision of TIVO like functions by utilizing hardware located at a headend in a cable distribution system.

Consider **claim 37**, Utsumi combined with Rakib, as in claim 36, clearly teaches the channel selection request includes at least one command to control the personal video recorder. (**Customers may invoke TIVO like functions via the hard disk array 289, [0097] Rakib.**)

Consider **claim 38**, Utsumi combined with Rakib, as in claim 30, clearly teaches the predetermined frequency is one of a plurality of predetermined frequencies; and the multiplexed signal is transmitted to a plurality of room interface units, each unit being associated with one of the plurality of predetermined frequencies. (**Each subscriber device 71 has a corresponding predetermined frequency. The multiplexed signal is transmitted to each subscriber device 71, wherein the device filters the frequency assigned to it, column 8 lines 34-51 Utsumi.**)

Consider **claim 39**, Utsumi combined with Rakib, as in claim 30, clearly teaches the channel selection request is received from one of the plurality of room interface units. (**column 7 line 62 to column 8 line 2 Utsumi**)

Consider **claim 41**, Utsumi combined with Rakib, as in claim 30, clearly teaches at least one of the plurality of converters is a programmable converter. (**Fig. 3 modulating portions 13₁ to 13_N, column 7 lines 45-51 and column 8 lines 29-37 Utsumi**)

Consider **claim 42**, Utsumi combined with Rakib, as in claim 30, clearly teaches at least one of the plurality of converters is a frequency converter. (**Modulating portions 13₁ to 13_N convert the frequency of the signal, column 8 lines 34-37 Utsumi.**)

Consider **claim 43**, Utsumi combined with Rakib, as in claim 30, clearly teaches another local service module converts a video channel from the

plurality of video channels to the predetermined frequency. (**Fig. 10: The system can employ multiple selective distribution stations, Utsumi.**)

Consider **claim 44**, Utsumi combined with Rakib, as in claim 30, clearly teaches the local service module utilizes frequencies for the plurality of converters in the local service module that are identical to frequencies utilized by a plurality of converters in the another local service module.

(The modulating portions 13₁ to 13_N in each of the selective distribution stations output frequencies in the range of f₁ to f_N, column 8 lines 11-15 Utsumi.)

Consider **claim 46**, Utsumi clearly teaches a local service module adapted to receive one or more multiplexed channel signals comprising a plurality of video channels and to transmit a multiplexed signal, (**Fig. 2 column 7 lines 18-32**) the service module comprising:

a microprocessor adapted to receive a channel selection request for one of the plurality of video channels; (**Fig. 3: Receiving portion 15 receives channel change requests, column 7 line 62 to column 8 line 2**)

a plurality of converters adapted to convert to a predetermined frequency at least one of the plurality of video channels corresponding to the channel selection request; (**Fig. 3: Modulating portions 13₁ to 13_N convert the requested video channel to a predetermined frequency, column 8 lines 20-37.**)

a combiner adapted to combine the converted one of the plurality of video channels with at least one other video channel into the multiplexed signal. (**Fig. 3: Outputs from the modulating portions 13_x are multiplexed and transmitted via transmission line 20, column 8 lines 37-41.**)

Utsumi further teaches bi-directional communication between the local service module and the headend (column 14 lines 3-9).

However, Utsumi does not explicitly teach wherein the local service module is in communication with a customer management system, the customer management system operable to communicate a customer request for interactive mode from a local service module to the headend, and to communicate a channel request for non-local broadcast channels from a local service module to the headend.

In an analogous art, Rakib clearly teaches wherein the local service module is in communication with a customer management system, the customer management system operable to communicate a customer

request for interactive mode from a local service module to the headend, and to communicate a channel request for non-local broadcast channels from a local service module to the headend. (**Fig. 4: The gateway 10 receives requests from the user for video-on-demand content, internet content or game content and the gateway transmits this request to the headend 74, which provides the video-on-demand content , i.e. “non-local broadcast channels”, or internet/game content, i.e. interactive data, back to the user via the gateway, [0039], [0046] and [0047].**)

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Utsumi by including a management system to allow interactive data and video-on-demand, as taught by Rakib, for the benefit of enabling the user to access a greater variety of content.

Consider **claim 49**, Utsumi combined with Rakib, as in claim 46, clearly teaches at least one of the plurality of converters is a programmable converter. (**Fig. 3 modulating portions 13₁ to 13_N, column 7 lines 45-51 and column 8 lines 29-37 Utsumi**)

Consider **claim 50**, Utsumi combined with Rakib, as in claim 46, clearly teaches at least one of the plurality of converters is a frequency converter. (**Modulating portions 13₁ to 13_N convert the frequency of the signal, column 8 lines 34-37 Utsumi.**)

Consider **claim 51**, Utsumi combined with Rakib, as in claim 46, clearly teaches the converted one of the plurality of video channels is provided to at least one bandpass filter. (**Receiving device 31 filters the intended signal, column 8 lines 41-43 Utsumi.**)

Consider **claim 52**, Utsumi combined with Rakib, as in claim 46, clearly teaches a power divider adapted to divide the multiplexed channel signal into a plurality of identical multiplexed channel signals, one for each of the plurality of converters. (**Fig. 11: The multiplexed signal is divided into multiple multiplexed signals that are transmitted to each of the selective distribution stations Utsumi.**)

Consider **claim 53**, Utsumi clearly teaches a cable distribution system, comprising:

a plurality of local service modules to receive one or more multiplexed channel signals comprised of one or more video channels, (**Fig. 2: Selective distribution station 10 receives a**

plurality of multiplexed video channels from center station 1, column 7 lines 26-29.)

a selected one or more of the video channels being provided to one or more of a plurality of converters in one of the local service modules for conversion into at least one predetermined frequency for combination with another video channel into a multiplexed signal; **(Fig. 3: Modulating portion 13₁ converts the requested video channel to a predetermined frequency, column 8 lines 20-37.)**

a plurality of interface units associated with the plurality of local service modules, each of the plurality of interface units to receive the multiplexed signal and filtering one of the one or more video channels from the multiplexed signal for a video displaying apparatus. **(The subscriber receiving device 31₁ receives the multiplexed signal and filters out the frequency, f₁, for which it is assigned, column 8 lines 41-43 Utsumi.)**

Utsumi further teaches bi-directional communication between the local service module and the headend (column 14 lines 3-9).

However, Utsumi does not explicitly teach a customer management system operable to communicate a customer request for interactive mode from a local service module to the headend, and to communicate a channel request for non-local broadcast channels from a local service module to the headend.

In an analogous art, Rakib clearly teaches a customer management system operable to communicate a customer request for interactive mode from a local service module to the headend, and to communicate a channel request for non-local broadcast channels from a local service module to the headend. **(Fig. 4: The gateway 10 receives requests from the user for video-on-demand content, internet content or game content and the gateway transmits this request to the headend 74, which provides the video-on-demand content , i.e. “non-local broadcast channels”, or internet/game content, i.e. interactive data, back to the user via the gateway, [0039], [0046] and [0047].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Utsumi by including a management system to allow interactive data and video-on-demand, as taught by Rakib, for the benefit of enabling the user to access a greater variety of content.

Consider **claim 54**, Utsumi combined with Rakib, as in claim 53, clearly teaches a headend to receive signals from a plurality of video sources, to

multiplex the signals into the one or more multiplexed channels signals, and to transmit the one or more multiplexed channel signals to one or more of the plurality of local service modules. (**Fig. 2: Selective distribution station 10 receives a plurality of multiplexed video channels from center station 1, column 7 lines 26-29 Utsumi.**)

Consider **claim 57**, Utsumi combined with Rakib, as in claim 53, clearly teaches wherein the headend is a regional headend. (**Fig. 11 Utsumi**)

7. Claim **40** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Utsumi et al. (US Patent 5,729,281)** in view **Rakib (U.S. Patent Application Publication 2002/0019984)**, as applied to claim 30 above, and further in view of **Kitamura et al. (U.S. Patent 6,188,871)**, herein Kitamura.

Consider **claim 40**, Utsumi combined with Rakib, as in claim 30, are relied upon as discussed above.

However, Utsumi combined with Rakib, as in claim 30, do not explicitly teach at least one of the plurality of room interface units includes authorization information that authorizes display of the one of the plurality of channels and the method further comprises: obtaining authorization from the at least one of the plurality of room interface units to convert the one of the plurality of video channels.

In an analogous art, Kitamura, teaches at least one of the plurality of room interface units includes authorization information that authorizes display of the one of the plurality of channels and the method further comprises: obtaining authorization from the at least one of the plurality of room interface units to convert the one of the plurality of video channels. (**Fig. 7 Steps 1-4, column 8 lines 34-63**)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the headend of Utsumi in view of Rakib to incorporate a block of personal video recorders, as taught by Kitamura, for the benefit of increasing operator revenues through offering restricted access to premium content for increased subscription fees.

8. Claim **45** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Utsumi et al. (US Patent 5,729,281)** in view of **Rakib (U.S. Patent Application**

Publication 2002/0019984), as applied to claim 30 above, and further in view of **Chen et al. (US Patent 5,699,105)**, herein Chen, further in view of **Fellows, et al.** ("DOCSIS Cable Modem Technology," **IEEE Communications Magazine**, **March 2001, Vol. 39, Issue 3, pp. 202-209 (ISSN: 0163-6804)**), herein Fellows.

Consider **claim 45**, the teachings of Utsumi in view of Rakib are relied upon as discussed above relative to claim 30. Utsumi in view of Rakib fails to disclose the information passed back upstream to the service module also includes a DOCSIS return channel that is passed by the service module back to the headend and back to an internet service provider, as claimed.

However, Chen, in an analogous art, teaches passing information back upstream to a service module including data transmissions which are further passed to a headend for communication with an internet service provider for the benefit of providing access to internet based services over a cable network (**col. 5, lines 38-41**).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the upstream information of Utsumi in view of Rakib to incorporate passing information upstream to the service module that is passed by the service module to the headend and back to an internet service provider, as taught by Chen, for the benefit of providing access to internet based services over a cable network in a cable distribution network.

Although Chen teaches transmitting upstream data via a service module to a headend for communication with an internet service provider, Utsumi in view of Rakib, further in view of Chen fails to specifically disclose the upstream information including a DOCSIS return channel, as claimed.

However, Fellows, in an analogous art, teaches transmitting upstream information comprising a DOCSIS return channel (**page 204, 2nd col., paragraphs 2-3**). Utilizing a DOCSIS return channel in upstream data communications in a cable network provides the typical and well-known benefit of complying with an established data transmission standard and allows for the use of standardized data transceiver devices (e.g., customer cable modems and headend cable modem termination system equipment).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the upstream information of Utsumi in view of Rakib further in view of Chen to incorporate upstream information including a DOCSIS return channel, as taught by Fellows, for the benefit of complying with an established data transmission standard and facilitating the use of standardized data transceiver devices in a cable distribution system.

9. **Claims 47 and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Utsumi et al. (US Patent 5,729,281)** in view of **Rakib (U.S. Patent Application Publication 2002/0019984)**, as applied to claim 46 above, further in view of **Nikolich (US Patent Application Publication 2002/0073431)** and further in view of **Land (US Patent 6,848,116)**.

Consider **claim 47**, Utsumi in view of Rakib fails to disclose the local service module further comprises: an input diplexer that separates a DOCSIS channel from the one or more multiplexed channel signals.

However, Nikolich, in an analogous art, teaches a television system including a DOCSIS channel (Fig. 1B, Modulators 108-1 -108-N; paragraphs 27-28, describing frequency conversion of DOCSIS downstream data signals). Including DOCSIS frequency converters at a cable headend provides the typical and well-known benefit of transmitting downstream internet data to subscribers in compliance with an accepted and widely used data transmission standard.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Utsumi in view of Rakib to include a DOCSIS communication channel, as taught by Nikolich, for the benefit of transmitting downstream internet data to subscribers in compliance with an accepted and widely utilized data transmission standard in a cable distribution system.

The combination of Utsumi, Rakib and Nikolich fails to disclose an input diplexer that separates channels from the multiplexed signal.

In an analogous art, Land, which teaches a system for bi-directional communication in a cable system, clearly teaches an input diplexer that separates channels from the multiplexed signal. (**Fig. 9 Input diplexer 26, column 3 line 67 to column 4 line 6; column 4 lines 33-36**)

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Utsumi in view of Rakib and Nikolich to include an input diplexer, as taught by Land, for the benefit of separating the input signal into separate frequency bands.

Consider **claim 48**, Utsumi in view of Rakib, Nikolich and Land, as in claim 47, clearly teaches an output diplexer that separates a DOCSIS channel from the one or more multiplexed channel signals. (**Fig. 9 Output diplexer 19, column 3 line 67 to column 4 line 6; column 4 lines 33-36 Nikolich**)

10. Claim **56** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Utsumi et al. (US Patent 5,729,281)** in view of **Rakib (U.S. Patent Application Publication 2002/0019984)**, as applied to claim 53 above, and further in view of **Kitamura et al. (U.S. Patent 6,188,871)**, herein Kitamura.

As for **claim 56**, the teachings of Utsumi in view of Rakib are relied upon as discussed above. Utsumi in view of Rakib fails to disclose an associated database in communication with the processor, the database storing customer viewing preferences.

However, Kitamura, in an analogous art, teaches a processor (**Fig. 3, CPU 904**) and database (**Fig. 3, Database 111**) in communication with a headend and service module, the processor controlling the operation of receiver/decoders and the database assisting the processor and storing customer viewing preferences (**col. 8, lines 4-9, col. 8, lines 34-51**) for the benefit of enabling a subscriber to receive a desired CATV program through a simple receiver (**see col. 1, line 65 - col. 2, line 7**).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the processor of Utsumi in view of Rakib to incorporate the processor and an associated database in communication with the headend and service module, and the database assisting the processor in this functionality and in storing customer viewing preferences, as taught by Kitamura, for the benefit of enabling a subscriber to receive a desired CATV program through a simple receiver in a cable distribution system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN R. SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on Monday - Friday, 8:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

/Christopher Grant/

Supervisory Patent Examiner, Art Unit 2623